

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRETT WITZENBURG,

Case No. 3:24-cv-00041-MMD-CLB

Plaintiff,

ORDER

v.

STATE OF NEVADA, et al.,

Defendants.

**I. DISCUSSION**

On September 30, 2024, the Court issued an order screening Plaintiff's complaint under 28 U.S.C. § 1915A. (ECF No. 6). The Court dismissed all of Plaintiff's claims and gave Plaintiff leave to file an amended complaint within 30 days. (*Id.* at 13-14). The Court explained that if Plaintiff did not file an amended complaint, the case would be subject to dismissal. (*Id.* at 14). Plaintiff filed a motion requesting an extension, and the Court granted him an extension until December 2, 2024. (ECF Nos. 8, 9).

Plaintiff has now filed a second motion for an extension, requesting an additional 14 days to file an amended complaint. (ECF No. 10). In his motion Plaintiff states that he needs to visit the law library one more time before filing his amended complaint. (*Id.*) The Court grant's Plaintiff's motion and will extend the deadline for Plaintiff to file an amended complaint until **December 16, 2024**. However, the Court notes that Plaintiff does not need to include any legal analysis in his amended complaint, and that the Court discussed the standard for stating a colorable claim in its screening order. In his amended complaint, Plaintiff only needs to include the factual allegations giving rise to his claims. Baring unusual circumstances, the Court does not anticipate granting another extension.

**II. CONCLUSION**

For the foregoing reasons, it is ordered that Plaintiff's second motion for an extension to file a first amended complaint (ECF No. 10) is **GRANTED**. Plaintiff will file any first amended complaint on or before **December 16, 2024**.

1 It is further ordered that pursuant to the Court's previous screening order, if Plaintiff  
2 chooses not to file a first amended complaint, this action will be subject to dismissal.

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4 DATED THIS 4th day of December 2024.

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6 UNITED STATES MAGISTRATE JUDGE  
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